

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA)	CR No.: 3:08-0096-JFA
)	
v.)	
)	ORDER
DENNIS MICHAEL GALLIPEAU)	
)	
_____)	

The defendant, Dennis Gallipeau, has filed a motion for relief under 28 U.S.C. § 2255 alleging, among other things, ineffective assistance of his court-appointed counsel. The government moved for an extension of time within which to respond so that it could have time to obtain an affidavit from Gallipeau's former trial attorney. The government's motion was mailed to Gallipeau's former address and he now alleges that he did not receive the motion until 76 days after it was mailed. He did, however, receive a copy of this court's text order granting the motion for the extension of time.


Gallipeau now returns to this court with a pleading seeking relief from this court's previous order granting the extension. In a separate motion, Gallipeau seeks a protective order restraining his former attorney from having any further communication with the Office of the United States Attorney. He contends that by providing an affidavit to the government attorneys, Gallipeau's former defense attorney has violated the attorney-client privilege, numerous ethics rules, and ABA formal opinions.

Gallipeau is obviously unaware of the legal doctrine, well established in the law, that a litigant who raises claims of ineffective assistance of counsel waives, for all purpose in the

litigation, the attorney-client privilege. *E.g., Tasby v. United States*, 504 F.2d 332, 336 (8th Cir. 1974). Gallipeau, having clearly alleged, under oath, that his attorney was constitutionally ineffective, has thereby waived the privilege. Therefore, there was no error in this court's granting of the extension of time, nor in the furnishing of the affidavit by former trial counsel. The defendant's motions for protective order (ECF No. 130) and motion for relief from order (ECF No. 131) are therefore denied.

IT IS SO ORDERED.

July 15, 2011
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge